

**IN THE UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

ABBOTT LABORATORIES, INC., and ABBOTT)
GMBH & CO. KG)

Plaintiffs,)

- vs. -)

APOTEX INC. and APOTEX CORP.)

Defendants.)

Case No. 1:09-CV-07968

Honorable Rebecca R. Pallmeyer

STIPULATED DISMISSAL WITHOUT PREJUDICE

WHEREAS, plaintiffs Abbott Laboratories, Inc. and Abbott GmbH & Co. KG (collectively "Abbott") filed suit against defendants Apotex Inc. and Apotex Corp. (collectively "Apotex") alleging that the filing of Apotex's Abbreviated New Drug Application No. 91-696 with the United States Food and Drug Administration infringed U.S. Patent No. 5,436,272;

IT IS HEREBY STIPULATED AND AGREED, by and among the parties, through their undersigned counsel, that, pursuant to Rule 41(a)(1)(A)(ii) of the Federal Rules of Civil Procedure, all claims, counterclaims and defenses in the Litigation are hereby dismissed without prejudice and that each party shall bear its own costs and fees, including attorneys' fees.

Dated: October 20, 2010

AGREED TO AND STIPULATED TO BY:

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*Attorneys for Defendants Apotex Inc. and
Apotex Corp.*

SO ORDERED this ____ day of _____, 2010.

Honorable Rebecca R. Pallmeyer
United States District Judge